

Date: June 26, 2008

Name of Appellant: Anita Rogers

Service Address: 2 Thoreau Road
Acton, MA 01720

In reference to: 1 Gordon Place
Cambridge, MA

Docket Number: 08-523

Property Address: 1 Gordon Place
Cambridge, MA

Date of Hearing: 02-07-08

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board
Docket No. 08-537

Anita Rogers,)
Appellant)
v.)
City of Cambridge,)
Appellee)

BOARD’S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board (“Board”) on Appellant’s appeal filed pursuant to 780 CMR §122.1. In accordance with 780 CMR §705.3, Appellant asks the Board to review Appellee’s decision not to grant a variance with respect to the addition of a bathroom window to the residence located at 1 Gordon Place, Cambridge, MA (“Project”).

By letter dated November 27, 2007, Michael Grover, Building Inspector for the City of Cambridge (“Appellee”), denied Appellant’s request for a variance to 780 CMR § 705.3.

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 780 CMR §122.3.4, the Board convened a public hearing on February 7, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Appellant Anita Rogers was present at the hearing.

Decision

The issue is whether the Board should allow a variance to 780 CMR §705.3. Section 705.3 provides:

705.3 Openings: The maximum area of unprotected or protected openings permitted in an exterior wall in any story shall not exceed the values set forth in Table 705.3. Where both unprotected and protected openings are located in the exterior wall in any story, the total area of the openings shall comply with the following formula: where: A = Actual area of protected openings, or the equivalent area of protected openings A_e (see 780 CMR 705.2.4). = Allowable

area of protected openings. A_u = Actual area of unprotected openings. = Allowable area of unprotected openings.

Table 705.3

MAXIMUM AREA OF EXTERIOR WALL

^a

OPENINGS

Classifi- cation of opening	Fire separation distance (feet) ^e							
	0 to 3	> 3 to 5	> 5 to ^d 10	> 10 to ^{c, d} 15	> 15 to ^c 20	> 20 to ^c 25	> 25 to ^c 30	> 30
Un- protected	NP	N P _b	10 %	15 %	25%	45%	70%	No limit
Protected	NP	1 5 %	25 %	45 %	75%	No Limit	No Limit	No Limit

Note a. Values given are percentages of the area of the exterior wall. This table assumes that the openings are reasonably uniformly distributed. Where openings are not reasonably uniformly distributed, the portion of the wall utilized to calculate compliance with table 705.3 shall be approved.

Note b. For occupancies in Use Group R-3, the maximum percentage of unprotected exterior wall openings shall be 5%.

Note c. The area of openings in an open parking structure with a fire separation distance of greater than ten feet shall not be limited.

Note d. For occupancies in Use Group H-2 or H-3, unprotected openings shall not be permitted for openings with a fire separation distance of 15 feet or less.

Note e. One foot = 304.8 mm.

The Project involves the addition of a 6 square foot window for the purpose of allowing light and ventilation into a windowless bathroom. The area of unprotected openings of the existing wall is approximately 5%, and the additional window would create a 5.5% area of unprotected openings. Additionally, the east side wall is less than 3 feet from the property line which abuts the rear property line of the adjacent building. Cambridge zoning requires a 20 foot rear yard setback. There is over a 20 foot separation between the exterior wall and the adjacent structure.

Conclusion

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place – Room 1301
Boston, MA 02108